



MEMO ENDORSED
PELTON GRAHAM LLC

ADVOCATES FOR JUSTICE

September 2, 2022

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VIA CM/ECF

Honorable Edgardo Ramos
 United States District Court
 Southern District of New York
 40 Foley Square, Room 619
 New York, New York 10007

Re: *Ballast, et al. v. Workforce7 Inc., et al.*
Civil Action No.: 20-CV-03812 (ER)

Plaintiffs' request for extension is granted. SO ORDERED.

Edgardo Ramos, U.S.D.J

Dated: September 6, 2022

New York, New York

Dear Judge Ramos:

This office represents the plaintiffs in the above-referenced action. We write, jointly with counsel for Defendants Workforce7 Inc., Ronald Hilton (together with Workforce7 Inc., the "Workforce7 Defendants"), Consolidated Edison Company of New York, Inc. ("Con Edison") and Vali Industries, Inc. ("Vali Industries" and, together with the Workforce7 Defendants and Con Edison, the "Defendants") to inform the Court that, in light of recent developments in this matter, including substantial document production from the Workforce7 Defendants on September 2, 2022, the parties intend to request an extension of certain pending deadlines set in the June 3, 2022 Revised Civil Case Discovery Plan and Scheduling Order (Dkt. 253), including the September 2, 2022 deadline to complete non-expert depositions.

At the request of Con Edison, Plaintiffs are currently working on a damages spreadsheet for the named and opt-in plaintiffs based on the records produced by Defendants summarizing Plaintiffs' alleged dates of work, the projects on which they worked, and a summary of back wages and other damages claimed. In their June 2, 2022 letter requesting an extension of certain discovery and other deadlines (Dkt. 252), Plaintiffs indicated that their July 30, 2021 discovery demands were continuing as to the approximately one hundred and fifteen (115) individuals who have opted in to the case and that the Workforce7 Defendants anticipated exchanging certain responsive documents to supplement their previous production, which Plaintiffs would need to complete their damages analysis. On August 1, 2022, the Workforce7 Defendants produced the "employee files" for the opt-in plaintiffs, including certain onboarding documents, paystubs and tax forms. Subsequently, on September 2, 2022, the Workforce7 Defendants produced several thousand pages of time records for the opt-in plaintiffs, which Plaintiffs' counsel will need to review and incorporate into their damages analysis.

Further, on April 20, 2022, Con Edison requested a conference regarding its intention to renew its motion to dismiss the claims of former named plaintiff Marquis Richardson ("Richardson"). (Dkt. No. 240). On May 4, 2022, the Court entered an Order dismissing Richardson's claims with prejudice. (Dkt. No. 246). Consequently, Plaintiffs desire to amend their complaint to add two (2) additional named plaintiffs and intend to share a draft complaint with

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Defendants on or before September 9, 2022, in an effort to avoid motion practice regarding the proposed amendments.

While the parties have made progress towards preparing an updated revised civil case discovery plan and scheduling order for Your Honor's review, they are still finalizing certain details and proposed dates for discovery and deadlines relating to Plaintiffs' anticipated class certification motion. Thus, the parties respectfully request that Your Honor allow the parties until September 9, 2022 to submit a proposed revised scheduling order.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

/s/ Brent E. Pelton

Brent E. Pelton, Esq. of
PELTON GRAHAM LLC

Enclosure

cc: All Counsel (via CM/ECF)